



May 10, 2007

Via Express Mail Post Office to Addressee

BOX TTAB NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

76/480,732

Re: Cancellation No. 92047327

Dear Sir/Madam,

Transmitted herewith is:

1) A formal Answer in the above Cancellation

Copies of the above were sent via Express Mail to the Petitioner.

Thank you for your assistance in this matter.

Sincerely,

William Sergautis
President
ChartTrader Inc.

Enclosures: Answer to Petition for Cancellation
cc: Attorneys for Petitioner

05-11-2007

U.S. Patent & TMO/TM Mail Rcpt Dt. #30

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of U.S Registration No. 2,944,466
Mark: **CHARTTRADER**
Registration date: **April 26, 2005**

CGQ, Inc.,

Petitioner,

v.

Sergautis, William,

Registrant.

Express Mail label number EQ 963139120 ^{us}
I hereby certify that this correspondence is being
deposited with the United States Postal Service
"Express Mail Post Office To Addressee" service in an
envelope addressed to:

Attn: TTAB - NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

William Sergautis
William Sergautis

5/10/2007
Date

Cancellation No. 92047327

Answer of Registrant to Petition for Cancellation

William Sergautis, ("Registrant"), hereby answers each of the
allegations of the Petition to Cancel filed by CGQ, Inc. ("Petitioner") as follows.

Registrant denies Petitioner/Applicant has or will be damaged as
alleged in the first unnumbered paragraph and further denies Petitioner has any
grounds to petition to cancel registrant's mark.

The numbered answers herein correspond to the numbered paragraphs
set forth in Petitioner's Petition for Cancellation.

1. Registrant admits only that the records of the USPTO reveal Petitioner's alleged and pleaded applications for CHARTTRADER and CGQ CHARTTRADER, denies any of these as grounds for cancellation of Registrant's CHARTTRADER mark, and therefore denies all of paragraph 1.

2. Admit.

3. Registrant is without knowledge and information to form a belief as to the truth of the allegation set forth in paragraph 3 and therefore denies all of paragraph 3.

4. Registrant denies all of the allegations in paragraph 4. Petitioner's limited investigation and assumption of abandonment is flawed and without merit. On April 26, 2005 Registrant used the website located at www.charttrader.net as a marketing tool in relation to Registrant's business as a stock broker. When Registrant's employment with Brookstreet Securities was terminated Dec 2005, how CHARTTRADER operated changed though the services, namely a 'Website providing economic data' remained as stated. Since Dec 2005, Registrant utilized the services of several web designers, had some serious performance and deadline issues that caused delay yet never any period of

discontinued use that could in any way be viewed as abandonment of the mark, or the way it is used as described, or any intention to abandon. A more skilled web designer started working on the website, off line as is customary, on or around March 2006. He redesigned a much more attractive interactive website with stock quotes, charting capabilities, and news. Though developed, Registrant could not put this work up 'live' on the Internet due to Registrant's loss of the Brookstreet association. Therefore, not associated with a broker dealer, Registrant could not facilitate online trading or any securities trading at that time. Discussions began immediately on Dec 28, 2006 with BrokersXpress to act as custodian for ChartTrader's accounts. On Dec 28, 2006 Registrant also began discussions with and hired Compliance Max to start the registration of ChartTrader as an investments advisor company with all appropriate regulatory agencies. An application for ChartTrader was sent to the NASD (National Association of Securities Dealers) for a CRD# (Central Registration Depository) the securities industry online registration and licensing database. A CRD# was created on March 20, 2007 for Charttrader with full registration to be completed within 30 days. On March 2, 2007, for a sum of \$2000 USD, Registrant purchased the dot com for Charttrader to compliment and/or replace the dot net owned since date of

first use of the CHARTTRADER mark. The new website www.charTrader.com became live on April 18, 2007 on the worldwide web. On April 13, 2007 Registrant entered into a contract with QuoteMedia for QuoteMedia to supply live quotes and news to ChartTrader.com. Furthermore a corporation is in the process of being registered under the Name ChartTrader Inc.

5. Registrant denies all of paragraph 5, and furthermore agrees with the examiner that all marks of Petitioner containing the term CHARTTRADER should be refused due to likelihood of confusion.

AFFIRMATIVE DEFENSES

6. Registrant is the owner of US Registration No. 2,944,466 that served as constructive notice to Petitioner with a filing date of Jan 6, 2003.

7. Petitioner filed all pleaded applications within a 7 day period on or about May 2, 2006, years after Registrant's mark CHARTTRADER was applied for, about one year after it was registered, and at the time of application(s), Registrant should have been entirely aware of Registrant's mark and the potential for refusal based on the mark of Registrant.

8. Registrant has priority based on the filing date, the earliest date of first use anywhere, and the date of first use in commerce.

9. The facts set forth in the Petition for Cancellation are insufficient to state a claim or to justify cancellation of Registrant's trademark.

10. Petitioner may be barred by the doctrine of unclean hands.

11. Petitioner fails to state a claim upon which relief can be granted.

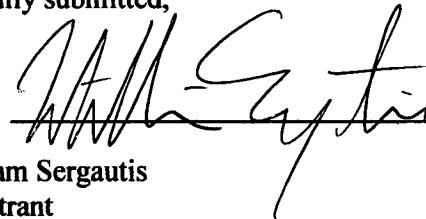
12. Registrant reserves the right to develop further defenses.

WHEREFORE, Registrant prays the Petition for Cancellation be dismissed in its entirety with prejudice.

Dated: May 10, 2007

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read 'William Sergautis', written over a horizontal line.

William Sergautis
Registrant
Individual/US Citizen
6969 Collins Ave, #1103
Miami Beach, FL 33141
Tel: 202 669 6054

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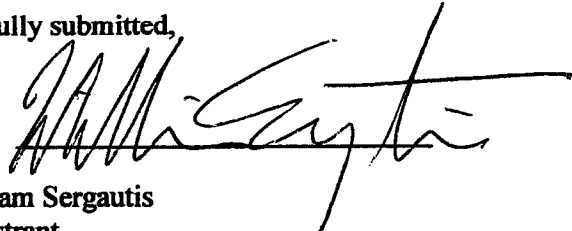
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Dated: May 10, 2007

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By:



William Sergautis
Registrant
Individual/US Citizen
6969 Collins Ave, #1103
Miami Beach, FL 33141
Tel: 202 669 6054

Certificate of Service

This is to certify that I, William Sergautis, today served the above ANSWER on the Petitioner by Express Mail, addressed to Attorneys for Petitioner, c/o Leslie P. Kramer, Faegre & Benson LLP, 1700 Lincoln Street 3200 Wells Fargo Center, Denver, CO 80203. Tel. 303.607.3500.

Dated: _____

5/10/2007

By: _____

William Sergautis
Registrant

